

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hans Gunter Felske et al  
Application Number: 10/810,029  
Filing Date: 03/26/2004  
Group Art Unit: 3637  
Examiner: Timothy Michael Ayers  
Title: ATTACHMENT APPARATUS FOR A WORK SURFACE  
PANEL

Mail Stop Appeal Brief – Patents  
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**APPEAL BRIEF**

Pursuant to 37 CFR 1.192, Appellants file an appeal brief in the above-identified application. This Appeal Brief accompanies the requisite fee set forth in 37 CFR 1.17(f).

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 1 - 7 are cancelled. Claims 8 - 27 are pending in the present application and have been finally rejected. The final rejections of claims 8 - 27 are appealed. Claims 8, 16, and 19 are independent.

(4) STATUS OF AMENDMENTS

In response to the Final Rejection dated November 19, 2008, an Amendment was received in the US Patent Office on April 20, 2009 and a Notice of Appeal was received in the US Patent Office on April 20, 2009. An Advisory Action mailed May 5, 2009 indicated that the proposed amendments set forth in the Amendment received in the US Patent Office on April 20, 2009 would not be entered.

Appellants enclose an Amendment that amends claim 13 to render a 35 U.S.C. §112, first paragraph rejection moot in accordance with the Examiner's very helpful suggestions.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 8

A first exemplary embodiment, as defined by, for example, independent claim 8, is directed to an attachment apparatus for attaching a first structure to a second structure of a

household appliance such as, for example an attachment apparatus for attaching a first structure in the form of a work surface panel 1 of a household appliance to a second structure in the form of a body 3 of the household appliance (Page 9, lines 3 - 8 and Figures 1 - 4). The inventive attachment apparatus, as recited in independent claim 8 of the present application, includes a holding pin 7, the holding pin 7 having a head portion and a foot portion (Page 9, lines 22 - 24 and Figures 3 and 4). The head portion of the holding pin 7 may have a head-like attachment 11 (Page 10, lines 8 - 10 and Figures 3 and 4) and the foot portion of the holding pin 7 may terminate at axial ends of two shank parts 8, 9 (Page 10, lines 5 - 7 and Figures 3 and 4).

The holding pin 7 is disposable, during an installation operation, into a fully fitted position in which the holding pin 7 extends through an aperture in the first structure and through an aperture in the second structure along an attachment axis passing through the apertures of the first structure and the second structure. As exemplarily described and illustrated, for example, it can be seen that the holding pin 7 extends through an aperture in the form of an elongated hole 5 in the work surface panel 1 (Page 9, lines 12 - 26 and Figure 4) and through an aperture in the form of an attachment hole 6 in the body 3 (Page 9, lines 19 - 25 and Figure 4). As further recited in independent claim 8 of the present application, the head portion of the holding pin 7, in the fully fitted position of the holding pin 7, is located on one axial side of the first structure and the foot portion, in the fully fitted position of the holding pin, extends into the aperture of the second structure. For example, as seen in Figure 4, the head portion of the holding pin 7 (that includes the head-like attachment 11) is located on one axial side of the work surface panel 1 and the foot portion of the holding pin 7 (that terminates at the axial ends of two shank parts 8, 9) extends into the attachment hole 6 in the body 3.

Continuing with the recitation of independent claim 8 of the present application, the holding pin 7 engages the first structure and the second structure to maintain the first structure at an axial spacing from the second structure in the region of the apertures of the first and second structures. For example, the work surface panel 1 is attached to the body 3 in a defined position transversely with respect to an attachment direction (Page 3, lines 15 - 17 and Figure 4). Also, the foot portion of the holding pin 7 has a nominal transverse extent that is transverse to the axial extent of the holding pin 7 and at least as large as the

largest transverse extent of the aperture of the second structure. For example, the shank parts 8, 9 of the holding pin 7 have a non-deflected configuration before insertion into the attachment hole 6 of the body 3 and the transverse extent of the shank parts 8, 9 in this non-deflected configuration constitutes the nominal transverse extent of these shank parts. Claim 8 further recites that the foot portion of the holding pin 7 has, in the fully fitted position of the holding pin 7, a smaller transverse extent than its nominal transverse extent. The foot portion of the holding pin exerts a radially outward force against the aperture of the second structure to thereby resist dislodgement of the holding pin from the aperture of the second structure in the fully fitted position of the holding pin. For example, with the nominal transverse extent of the shanks 8, 9 being at least as large as the largest transverse extent of the attachment hole 6 of the body 3, the shanks 8, 9 of the holding pin 7 exert outward biasing force on the body 3 to thereby secure the holding pin 7 and the body 3 to one another in the installed position. To release this securement of the holding pin 7 from the attachment hole 6, the shanks 8, 9 can be pressed towards one another in the installed position (Page 10, lines 16 - 26).

Continuing further with the recitation of independent claim 8 of the present application, the head portion of the holding pin 7 has a transverse extent transverse to the axial extent of the holding pin 7 that is larger than a transverse extent of the aperture of the first structure. For example, the head portion of the holding pin 7 (that includes the head-like attachment 11) has a larger transverse extent than the transverse extent of the elongated hole 5 of the work surface panel 1. The head-like attachment 11 of the head portion of the holding pin 7 locates the holding pin 7 in a defined manner on the outer surface of the surround (the work panel surface 1) (Page 5, lines 16 - 20 and Figure 4).

Continuing still further with the recitation of independent claim 8 of the present application, the holding pin 7 further includes a first seating extent that is at a location axially intermediate the head portion of the holding pin and the foot portion of the holding pin and that has a transverse extent less than the transverse extent of the foot portion of the holding pin. As exemplarily described in the specification, this first seating extent may be configured as the extent delimited by slotted-link surfaces 13 (Page 10, lines 16 - 26 and Figures 3 and 4) and this extent has a transverse extent less than the transverse extent of the foot portion of the holding pin in that the distance between the pair of slotted-link

surfaces 13 (key width) is shorter than the diameter of the shank 8, 9 (Page 11, lines 1 - 10 and Figure 4). The first seating extent extends axially from the head portion of the holding pin 7 to the foot portion of the holding pin 7 in an axial extent that is at least equal to an axial thickness of the first structure (the work surface panel 1) as measured at the aperture of the first structure (the elongated hole 5 in the work surface panel 1). In the fully fitted position of the holding pin 7, the first seating extent is axially coincident with the first structure at the first aperture (the elongated hole 5 in the work surface panel 1) and the head portion of the holding pin 7 and the foot portion of the holding pin 7 are disposed on opposite axial sides of the first structure (the work surface panel 1) with the head portion of the holding pin 7 and the foot portion of the holding pin 7 each resisting a respective axial movement of the first structure (the work surface panel 1) therepast, wherein the holding pin 7 limits axial movement of the second structure (the body 3 of the household appliance) relative to the first structure (the work surface panel 1) in the fully fitted position of the holding pin 7 (Page 11, lines 1 - 23 and Figure 4).

The present invention is directed to overcoming the problems that arise in reliably securing a structure such as a work surface panel for a household appliance to another structure of the household appliance such as a cabinet shaped body. The attachment apparatus recited in claim 8 advantageously permits adjustment of the work surface panel 1 with respect to all the other parts. The work surface panel 1 can thus be directed at a position which is aligned exactly with respect to the other housing parts, so that there is no offset to interfere with the aesthetic appearance. The attachment apparatus makes it possible to perform leakage tests (water spray test, spillage test) in the situation, for example, in which the attachment apparatus is deployed on a water-bearing household appliance such as a dishwasher or a clothes washer.

#### Claim 9

Claim 9 depends from claim 8 and recites that the attachment apparatus recited in claim 8 also includes the features that the second structure (the body 3 of the household appliance) is a body with a cabinet shape and the first structure is a work surface panel (the work surface panel 1) to be attached to the body 3 in a defined position transversely with respect to the attachment direction (Page 9, line 22 - Page 10, line 3, and Figures 1, 2, and

4). As further recited in claim 9, the work surface panel 1 has a rear surround 4 integrally formed thereon (Page 9, lines 12 - 16, and Figures 1, 2, and 4), the aperture in the first structure is an elongated hole 5, and the holding pin 7 is operable to hold the rear surround 4 at a defined height position relative to the body 3 of the household appliance Page 3, line 20 - Page 4, line 5 and Figure 4).

Claim 16

Another exemplary embodiment, as defined by, for example, independent claim 16, is directed to an attachment apparatus for attaching a first structure to a second structure of a household appliance such as, for example an attachment apparatus for attaching a first structure in the form of a work surface panel 1 of a household appliance to a second structure in the form of a body 3 of the household appliance (Page 9, lines 3 - 8 and Figures 1 - 4). The inventive attachment apparatus, as recited in independent claim 16 of the present application, includes a holding pin 7, the holding pin 7 having a head portion and a foot portion (Page 9, lines 22 - 24 and Figures 3 and 4). The head portion of the holding pin 7 may have a head-like attachment 11 (Page 10, lines 8 - 10 and Figures 3 and 4) and the foot portion of the holding pin 7 may terminate at axial ends of two shank parts 8, 9 (Page 10, lines 5 - 7 and Figures 3 and 4).

The holding pin 7 is disposable through an aperture in the first structure and through an aperture in the second structure along an attachment axis that extends through the apertures of the first structure and the second structure. As exemplarily described and illustrated, for example, it can be seen that the holding pin 7 extends through an aperture in the form of an elongated hole 5 in the work surface panel 1 (Page 9, lines 12 - 26 and Figure 4) and through an aperture in the form of an attachment hole 6 in the body 3 (Page 9, lines 19 - 25 and Figure 4). As further recited in independent claim 16 of the present application, the holding pin 7 is disposable through an aperture in the first structure and through an aperture in the second structure along an attachment axis that extends through the apertures of the first structure and the second structure such that the head portion of the holding pin 7, in a fully fitted position of the holding pin 7, is located on one axial side of the first structure and the foot portion, in the fully fitted position of the holding pin 7, extends into the aperture of the second structure. For example, as seen in Figure 4, the head

portion of the holding pin 7 (that includes the head-like attachment 11) is located on one axial side of the work surface panel 1 and the foot portion of the holding pin 7 (that terminates at the axial ends of two shank parts 8, 9) extends into the attachment hole 6 in the body 3.

Continuing with the recitation of independent claim 16 of the present application, the holding pin 7 operates to maintain the first structure at an axial spacing from the second structure in the region of the apertures of the first and second structures. For example, the work surface panel 1 is attached to the body 3 in a defined position transversely with respect to an attachment direction (Page 3, lines 15 - 17 and Figure 4). Further continuing with the recitation of independent claim 16 of the present application, the inventive attachment apparatus also includes a slot extending into the foot portion of the holding pin. For example, the holding pin 7 has an axial bore 17 (Page 10, lines 5 - 6 and Figures 3 and 4). Also, the holding pin 7 has a shoulder that is axially spaced from the head portion of the holding pin by at least an axial thickness of the first structure as measured at the aperture of the first structure. For example, the head portion of the holding pin 7 may have a head-like attachment 11 (Page 10, lines 8 - 10 and Figures 3 and 4) and, directly underneath the head-like attachment 11, the holding pin 7 has a slotted-link area with flat surfaces 13, which give the holding pin 7 a virtually rectangular cross section at this point (Page 10, lines 16 - 19, and Figures 3 and 4). The slotted-link area with flat surfaces 13 includes a shoulder that is axially spaced from the head portion of the holding pin 7 by at least an axial thickness of the work surface panel 1 as measured at the elongated hole 5 of the work surface panel 1, whereupon the work surface panel 1 is accommodated in the slotted-link areas with flat surfaces 13, as seen in Figure 4.

Claim 16 further recites that the foot portion of the holding pin frictionally engages the second structure along a portion thereof forming the aperture of the second structure so as to resist axial movement of the second structure relative to the first structure. For example, the shanks 8, 9 of the holding pin 7 extend into the attachment hole 6 and exert outward biasing force on the body 3 to thereby secure the holding pin 7 and the body 3 to one another (Page 6, lines 1 - 6 and Figure 4).



Claim 17

Claim 17 depends from claim 8 and recites that the attachment apparatus recited in claim 8 also includes the features that the aperture in the first structure (the work surface panel 1) is an elongated hole 5 and the first seating extent is compatibly configured with respect to the elongated hole 5 of the aperture of the first structure (the work surface panel 1) such that rotation of the holding pin 7 about its axis is resisted by resistance of the elongated hole 5 of the aperture of the first structure (the work surface panel 1) to rotational movement of the first seating extent. As exemplarily described in the specification, this first seating extent may be configured as the extent delimited by slotted-link surfaces 13 (Page 10, lines 16 - 26 and Figures 3 and 4) and the rectangular shape of the slotted-link sections prevents the holding pin 7 from being able to rotate in the elongated hole 5 of the aperture of the first structure (the work surface panel 1) (Page 5, lines 11 - 14, Page 6, lines 23 - 26, and Figures 3 and 4).

The attachment apparatus recited in claim 17 advantageously prevents rotation of the holding pin that interconnects the first and second structures (for example, the work surface panel 1 and the body 3) while still permitting lateral adjustment of the work surface panel 1 within the lateral range of movement delimited by the elongated hole 5. This makes it possible to adjust the work surface panel 1 relative to the body 3 so as to compensate for any dimensional tolerance variations that may exist.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- a. Whether the specification is properly objected to as failing to provide proper antecedent basis in accordance with 37 CFR 1.75(d)(1) and MPEP §608.01(o)?
- b. Whether claims 8 - 15 and 17 - 27 are unpatentable under 35 USC § 112, first paragraph, as failing to comply with the written description requirement?
- c. Whether claims 8 - 16 are unpatentable under 35 USC § 112, second paragraph, as being indefinite?

d. Whether claims 8, 10 - 14, 16 - 20, and 22 - 26 are anticipated under 35 U.S.C. §102(b) by Poe US Patent No. 4,114,509?

e. Whether claims 9 and 12 are unpatentable under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509, and further in view of Funaki US Patent No. 4,423,608 and Hoyle et al US Patent No. 5,129,768?

f. Whether claims 15 and 27 are unpatentable under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509 as applied to claim 11, and further in view of Wollar et al US Patent No. 4,610,587?

(7) ARGUMENT

A) The objection to the specification as failing to provide proper antecedent basis in accordance with 37 CFR 1.75(d)(1) and MPEP §608.01(o) is not a proper objection

The Office Action objects to the specification as allegedly failing to provide proper antecedent basis in accordance with 37 CFR 1.75(d)(1) and MPEP §608.01(o). Appellants respectfully traverse this rejection. Specifically, the Office Action asserts that several terms in the claims do not have proper antecedent basis in accordance with 37 CFR 1.75(d)(1) and MPEP §608.01(o). It is respectfully submitted that each of the noted terms in the claims do, in fact, have proper antecedent basis in accordance with 37 CFR 1.75(d)(1) and MPEP §608.01(o). The following discussion of each of these terms includes an example of the basis for each term in the disclosure and is presented in the order in which the Final Office Action mentions each term.

i.) The term "head portion"

The term "head portion" finds a basis in the disclosure of the upper end of the holding pin 7 set forth in the present application and illustrated in Figures 1 - 4.

ii.) The term “foot portion”

The term “foot portion” finds a basis in the disclosure of the portion of the holding pin 7 having the shanks 8 and 9 set forth in the present application and illustrated in Figures 3 and 4.

iii.) The term “fully fitted position”

The term “fully fitted position” finds a basis in the disclosure of the installed position of the holding pin 7 and the assembled state of the holding pin 7 set forth in the present application and illustrated in Figures 1 and 4.

iv.) The term “axial spacing”

The term “axial spacing” finds a basis in the disclosure of a work surface panel attached to the cabinet-shaped body of a household appliance set forth in the present application and illustrated in Figures 1 and 4. Page 5, lines 21 - 22, states: “Furthermore, the holding pin may advantageously have an axial hole through which the attachment element can pass.” Page 11, lines 11 - 13 states: “In the assembled state, the attachment elements pass through the length of the holding pins 7. In this case, screws 16 are provided as the attachment elements .... and Figure 4 shows a screw 16 passing through the length of the holding pin 7 along the “axial hole.” Thus, it is clear that the holding pin 7 has an “axis” by virtue of having an “axial hole” and from this it is inherent that an “axial spacing” exists that is defined with reference to the “axis” of the holding pin.

v.) The term “nominal transverse extent”

The term “nominal transverse extent” finds a basis in the disclosure that the shank parts 8, 9 can be deflected towards one another during insertion of the holding pin 7 into the elongated hole 5 and into the attachment hole 6, which description makes clear that the

shank parts 8, 9 of the holding pin 7 have a non-deflected configuration (before insertion) that Applicants have elected to denominate as the "nominal transverse extent" of the holding pin 7.

vi.) The term "axial extent"

For the same reason as discussed above with respect to the term "axial spacing," the term "axial extent" is inherently disclosed, in that it is inherent that an "axial extent" exists that is defined with reference to the "axis" of the holding pin.

vii.) The term "transverse extent"

With reference to the above discussion concerning the terms "axial spacing" and "axial extent," the term "transverse extent" is inherently disclosed, in that it is inherent that there exists an extent that is transverse to the "axis" of the holding pin.

viii.) The term "first seating extent"

The term "first seating extent" finds a basis in the disclosure of the flat surfaces 13 of the holding pin 7 having approximately the unobstructed width of the elongated holes 5 of the surround 4 that is received on the flat surfaces 13 set forth in the present application and illustrated in Figures 3 and 4.

ix.) The term "axial thickness"

With reference to the above discussion concerning the terms "axial spacing" and "axial extent," the term "axial thickness" is inherently disclosed, in that it is inherent that there exists a thickness defined relative to the "axis" of the holding pin.

x.) The term "shoulder"

The term "shoulder" finds a basis in the disclosure of the undercut forming the slotted-link surfaces 13 of the holding pin 7, whereby the slotted-link surfaces 13 of the holding pin 7 are approximately the unobstructed width of the elongated holes 5 of the surround 4 set forth in the present application and illustrated in Figures 3 and 4. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

B. The rejection of claims 18 - 15 and 17 - 27 as unpatentable under 35 USC § 112, first paragraph, as failing to comply with the written description requirement is not a proper rejection

The Final Office Action notes that claims 8 and 19 recite that: "the foot portion of the holding pin [has] a nominal transverse extent ...at least as large as the largest transverse extent of the aperture of the second structure" and "the foot portion of the holding pin [has], in the fully fitted position of the holding pin, at [sic] a smaller transverse extent than its nominal transverse extent." According to the Final Office Action, these limitations are unsupported by the specification.

As discussed above, the foot portion of the holding pin 7 has a nominal transverse extent that is transverse to the axial extent of the holding pin 7 and at least as large as the largest transverse extent of the aperture of the second structure. The foot portion of the holding pin 7 comprises shank parts 8, 9 and these shank parts 8, 9 of the holding pin 7 have a non-deflected configuration before insertion into "the aperture of the second structure" - namely, before insertion into the attachment hole 6 of the body 3. The transverse extent of the shank parts 8, 9 in this non-deflected configuration constitutes the "nominal transverse extent" of the foot portion of the holding pin 7. Claim 8 further recites that the foot portion of the holding pin 7 has, in the fully fitted position of the holding pin 7, a smaller transverse extent than its nominal transverse extent. This smaller transverse extent results from the pressing of the shank parts 8, 9 toward one another (in a direction transversely to the axis of the holding pin 7) that occurs as the shank parts 8, 9 are pressed into the attachment hole 6 of the body 3. The foot portion of the holding pin 7 - which

comprises these shank parts 8, 9 - thus exerts a radially outward force against the aperture of the second structure (the attachment hole 6 of the body 3) to thereby resist dislodgement of the holding pin 7 from the aperture of the second structure in the fully fitted position of the holding pin. For example, with the nominal transverse extent of the shanks 8, 9 being at least as large as the largest transverse extent of the attachment hole 6 of the body 3, the shanks 8, 9 of the holding pin 7 exert outward biasing force on the body 3 to thereby secure the holding pin 7 and the body 3 to one another in the installed position. To release this securement of the holding pin 7 from the attachment hole 6, the shanks 8, 9 can be pressed towards one another in the installed position (Page 10, lines 16 - 26). Accordingly, it is submitted that the limitations in claims 8 and 19 are supported by the disclosure of the present application.

The Final Office Action also notes that claim 13 recites that: "the foot portion of the holding pin has a constant transverse extent" and that this is unsupported by the specification in that the specification also states that shanks 8, 9 have "enormous diameter elasticity." The Final Office Action states that, for purposes of examination, claim 13 is considered as reciting a constant *nominal* transverse extent. Appellants have submitted on even date herewith an Amendment After Final requesting amendment of claim 13 to recite a constant *nominal* transverse extent. Accordingly, it is respectfully submitted that the rejection of claim 13 under 35 USC § 112, second paragraph, as being indefinite is now moot.

C. The rejection of claims 8 - 16 as unpatentable under 35 USC § 112, second paragraph, as being indefinite is not a proper rejection

The Office Action states: "Claims 8 and 16 recite the limitations "the first structure" and "the second structure" in lines 5 - 6 of each claim. There is insufficient antecedent basis for these limitations in the claims. It is unclear whether the claims are directed towards a subcombination (i.e., an attachment device) or a combination (i.e., an appliance containing an attachment device). The preamble to each claim appears to indicate that the claims are directed towards the subcombination, for which the first and second structure of

a household appliance are merely an intended use, but each claim contains specific recitations of portions of the appliance, making the scope of the claims unclear.”

Claim 8 provides antecedent basis for “the first structure” and “the second structure” in that the preamble to claim 8 recites: “An attachment apparatus for attaching a first structure to a second structure of a household appliance...” Claim 8 is directed to a subcombination (i.e., an attachment device). It is submitted that there is no indefiniteness in claim 8 concerning the recitations of “the first structure” and “the second structure” for the reason that it is clear in each instance in claim 8 that “the first structure” and “the second structure” are merely an intended use.

Claim 16 provides antecedent basis for “the first structure” and “the second structure” in that the preamble to claim 8 recites: “An attachment apparatus for attaching a first structure to a second structure of a household appliance...” Claim 16 is directed to a subcombination (i.e., an attachment device). It is submitted that there is no indefiniteness in claim 8 concerning the recitations of “the first structure” and “the second structure” for the reason that it is clear in each instance in claim 16 that “the first structure” and “the second structure” are merely an intended use. Accordingly, it is requested that the rejection of claims 8 - 16 as unpatentable under 35 USC § 112, second paragraph, as being indefinite be withdrawn.

D. Claims 8, 10 - 14, 16 - 20, and 22 - 26 Are Not Anticipated under 35 U.S.C. §102(b) by Poe US Patent No. 4,114,509

#### The Reference

United States Patent No. 4,114,509 to Poe discloses an expansible grommet 1 and an expander plunger 2. The expansible grommet 1 is provided with a bore 3 and is provided at one end with an external flange 4. Adjacent the flange is formed an external channel 5. Extending axially with respect to the channel 5 is a set of four fingers 6 separated by axially extending slots 7. One of the uses of a fastener of this type is to removably secure two panels 22 and 23 together as shown in FIG. 3. If it is desired that the fastener be permanently secured to panel 22, this panel is provided with a perforation 24 which is slightly smaller than the diameter of the fingers 6. To support the grommet, the

plunger is inserted partway, as indicated by dotted lines in FIG. 1. The grommet is then positioned over a perforation 24 and axial force is applied by the plunger 2 causing the fingers to restrict sufficiently for the fingers to pass through the panels 22 as shown in FIG. 2. However, if the plunger is carelessly manipulated or the grommet is not properly aligned with the perforation, the expander head 13 of the plunger may snap passed the constriction or retainer flange 8 and engage the beveled inner edge 10 of the constriction 9 causing the fingers to expand in the manner indicated in FIG. 3 so that the plunger and grommet are interlocked without the fingers entering the perforation 24.

Poe US Patent No. 4,114,509 clearly does not teach or disclose an attachment arrangement such as that of the present invention, as set forth in claim 8 of the present application, in which the holding pin engages the first structure and the second structure to maintain the first structure at an axial spacing from the second structure in the region of the apertures of the first and second structures. For example, as exemplarily disclosed in the present application, the work surface panel 1 is attached to the body 3 in a defined position transversely with respect to an attachment direction (Page 3, lines 15 - 17 and Figure 4). This attachment arrangement recited in claim 8 of the present application advantageously provides a configuration that maintains a first and second structure, such as the work surface panel 1 and the body 3, at an axial spacing from one another yet permits a lateral adjustment of, say, the first structure relative to the second structure. The Examiner asserts: "Though Poe does not expressly teach that the pin maintains the first and second structures at an axial spacing from one another, the pin would inherently be capable of holding the structures spaced apart (as Fig. 2)." However, a look at the drawing figure of Poe '549 referenced by the Examiner - namely, Fig. 2 of Poe '549 - demonstrates clearly that the pin of Poe '549 would not inherently be capable of holding the structures spaced apart. Even beyond this, as will now be explained, the pin of Poe '549 expressly operates that secure the first and second structures against one another with no axial spacing between these structures.

Looking now at Fig. 2 of Poe '549, this drawing illustrates an intermediate step in the process of installing the plunger entry resistance means that includes the expander plunger 2 and the expansible grommet 1 - see, for example, Column 1, lines 29 - 31 of Poe '549: "FIG.2 is a side view with component partially in section, the components being shown



interconnected but prior to expansion.” It is only upon completing the step of “expansion” - illustrated in Fig. 3 of Poe ‘549 - that the plunger entry resistance means is in its installed position and, as clearly seen in Fig. 3, in this final installed position, the “first structure” panel 22 and the “second structure” panel 23 are secured one against the other with no axial spacing therebetween. Moreover, it can clearly be seen in Fig. 3 of Poe ‘549 that the external flange 4 presses against the “first structure” panel 22 in one direction while the expanded fingers 6 press against the “second structure” panel 23 in an opposite direction to thereby compress the “first structure” panel 22 and the “second structure” panel 23 against one another. Any attempt to introduce an axial spacing between the “first structure” panel 22 and the “second structure” panel 23 would require at least a partial withdrawal of the expander head 13 from its finger spreading final position shown in Fig. 3 and this would then completely defeat the operation of the plunger entry resistance means of Poe ‘549. Thus, the “pin” of Poe ‘549 is in no way inherently “capable of holding the structures spaced apart” and Poe ‘549 provides no hint or teaching of an attachment arrangement such as that of the present invention, as set forth in claim 8 of the present application, in which the holding pin engages the first structure and the second structure to maintain the first structure at an axial spacing from the second structure.

Each of independent claims 8, 16, and 19 of the present application recites an attachment arrangement having the feature of a holding pin that engages the first structure and the second structure to maintain the first structure at an axial spacing from the second structure. Accordingly, it is submitted that the rejection of claims 8, 16, and 19 of the present application as anticipated under 35 U.S.C. §102(b) by Poe US Patent No. 4,114,509 is not proper and should be withdrawn.

Additionally, claims 10 - 14, 17, and 18 of the present application depend ultimately from independent claim 8 and claims 22 - 26 of the present application depend ultimately from independent claim 19 and the rejection of these claims as anticipated under 35 U.S.C. §102(b) by Poe US Patent No. 4,114,509 is not proper and should be withdrawn for at the least the reasons set forth above and because these claims each recite additional patentable subject matter. For example, Poe US Patent No. 4,114,509 clearly does not teach or disclose an attachment arrangement such as that of the present invention having the feature, as recited, for example, in claim 17, that the aperture in the first structure is an

elongated hole and the first seating extent is compatibly configured with respect to the elongated hole of the aperture of the first structure such that rotation of the holding pin about its axis is resisted by resistance of the elongated hole of the aperture of the first structure to rotational movement of the first seating extent. As exemplarily described in the present application, the first seating extent of the attachment arrangement recited in claim 17 of the present application may be configured as the extent delimited by slotted-link surfaces 13 and the rectangular shape of these slotted-link surfaces 13 prevents the holding pin 7 from being able to rotate in the elongated hole 5 of the aperture of the first structure (the work surface panel 1). Poe US Patent No. 4,114,509 provides no hint of the desirability of, or the need for, an attachment arrangement in which a rotation of the fastener about its axis is resisted in the manner recited in claim 17 of the present application, wherein rotation of the holding pin about its axis is resisted by resistance of the elongated hole of the aperture of the first structure to rotational movement of the first seating extent. Poe US Patent No. 4,114,509 instead discloses that its perforation 24 of its "first structure" panel 22 surrounds the channel 5 of the expander plunger 2 with a circumferential gap therebetween. Thus, in the event that a rotational force was to be exerted on the expander plunger 2, the perforation 24 of the "first structure" panel 22 would not resist any such rotational movement of the expander plunger 2.

E. Claims 9 and 12 Are Not Unpatentable Under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509, and further in view of Funaki US Patent No. 4,423,608 and Hoyle et al US Patent No. 5,129,768

#### The References

United States Patent No. 4,114,509 to Poe discloses an expansible grommet 1 and an expander plunger 2 and has been discussed above.

United States Patent No. 4,423,608 to Funaki discloses a washing apparatus 10 having a casing 12. A backboard 86 of a cover 78 is secured to the washing apparatus 10.

United States Patent No. 5,129,768 to Hoyle et al teaches a sliding grommet 10 for mounting in an elongated hole 32, the grommet 10 including a head flange 12, a shank portion 21, a pair of Y-shaped members 40, and a reinforcing rib 48. The shank portion 21

includes a flared out upper section 26 (see sloping bore 36) and a cylindrical lower portion 29. The upper section 26 includes shoulders 30 for engaging the upper and lower edges of an elongated hole 32. As seen in Figure 7 of United States Patent No. 5,129,768 to Hoyle et al, a mating panel 52 is retained between the head of a screw 56 and a head flange 12 of the sliding grommet 10 and, additionally, another panel 34 is retained between the head flange 12 of the sliding grommet 10 and legs 40a, 40b, of the sliding grommet 10.

The deficiencies of Poe have been noted previously. It is also submitted that neither Funaki nor Hoyle et al remedy the deficiencies of Poe. For example, both claims 9 and 12 depend from claim 8 and claim 8 recites a holding pin having the features recited in claim 8 of the present application including, for example, a foot portion of a holding pin that exerts a radially outward force against an aperture of a second structure to thereby resist dislodgement of the holding pin from the aperture of the structure. It is clear that United States Patent No. 5,129,768 to Hoyle et al does not teach or disclose such a holding pin having the features recited in claim 8 of the present application including, for example, a foot portion of a holding pin that exerts a radially outward force against an aperture of a second structure to thereby resist dislodgement of the holding pin from the aperture of the structure.

Accordingly, it is submitted that the rejection of claims 9 and 12 of the present application as unpatentable under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509, and further in view of Funaki US Patent No. 4,423,608 and Hoyle et al US Patent No. 5,129,768 is not proper and should be withdrawn.

F. Claims 15 and 27 Are Not Unpatentable Under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509 as applied to claim 11, and further in view of Wollar et al US Patent No. 4,610,587

#### The References

United States Patent No. 4,114,509 to Poe discloses an expansible grommet 1 and an expander plunger 2 and has been discussed above.

United States Patent No. 4,423,608 to Funaki discloses a washing apparatus 10 having a casing 12 and has been discussed above.

United States Patent No. 5,129,768 to Hoyle et al teaches a sliding grommet 10 for mounting in an elongated hole 32, the grommet 10 including a head flange 12, a shank portion 21, a pair of Y-shaped members 40, and a reinforcing rib 48 and has been discussed above.

United States Patent No. 4,610,587 to Wollar et al discloses five embodiments of a fastener device 10, 110, 210, 310, and 410. Each fastener device has a hollow expandable body member 20, including a body shank 24, a body head 26, and a plurality of legs 28, that is insertable into aligned panel apertures 12 and 14. The legs 28 are separated by an axially extending slot 30. Each fastener device also includes a cylindrical bore 34 extending axially through the body head 26, the body shank 24, and between the legs 28. The diameter of the body member 20 is smaller than the diameter of the aligned apertures 12 and 14.

The deficiencies of Poe have been noted previously. It is also submitted that none of Funaki, Hoyle et al, or Wollar et al remedy the deficiencies of Poe. For example, claim 15 depends ultimately from claim 8 and claim 8 recites a holding pin having the features recited in claim 8 of the present application including, for example, a foot portion of a holding pin that exerts a radially outward force against an aperture of a second structure to thereby resist dislodgement of the holding pin from the aperture of the structure. It is clear that United States Patent No. 5,129,768 to Hoyle et al does not teach or disclose such a holding pin having the features recited in claim 8 of the present application including, for example, a foot portion of a holding pin that exerts a radially outward force against an aperture of a second structure to thereby resist dislodgement of the holding pin from the aperture of the structure. As another example, it is clear that United States Patent No. 4,610,587 to Wollar et al does not teach or disclose a holding pin having the features recited in claim 8 of the present application including, for example, a first seating extent that, in a fully fitted position of the holding pin, is axially coincident with a structure at a first aperture and a head portion of the holding pin and a foot portion of the holding pin disposed on opposite axial sides of the structure with the head portion of the holding pin and the foot portion of the holding pin each resisting a respective axial movement of the structure therepast, wherein the holding pin limits axial movement of a second structure relative to a first structure in the fully fitted position of the holding pin.

Accordingly, it is submitted that the rejection of claims 15 and 27 of the present application as unpatentable under 35 U.S.C. §103(a) over Poe US Patent No. 4,114,509 as applied to claim 11, and further in view of Wollar et al US Patent No. 4,610,587 is not proper and should be withdrawn.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejection.

Respectfully submitted,

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CLAIMS APPENDIX

1-7. (Cancelled)

8. (Rejected) An attachment apparatus for attaching a first structure to a second structure of a household appliance, the attachment apparatus comprising:

a holding pin, the holding pin having a head portion and a foot portion and the holding pin being disposable, during an installation operation, into a fully fitted position in which the holding pin extends through an aperture in the first structure and through an aperture in the second structure along an attachment axis passing through the apertures of the first structure and the second structure, the head portion of the holding pin, in the fully fitted position of the holding pin, being located on one axial side of the first structure and the foot portion, in the fully fitted position of the holding pin, extending into the aperture of the second structure, the holding pin engaging the first structure and the second structure to maintain the first structure at an axial spacing from the second structure in the region of the apertures of the first and second structures, the foot portion of the holding pin having a nominal transverse extent that is transverse to the axial extent of the holding pin and at least as large as the largest transverse extent of the aperture of the second structure, the foot portion of the holding pin having, in the fully fitted position of the holding pin, a smaller transverse extent than its nominal transverse extent and the foot portion of the holding pin exerting a radially outward force against the aperture of the second structure to thereby resist dislodgement of the holding pin from the aperture of the second structure in the fully fitted position of the holding pin, the head portion of the holding pin having a transverse extent transverse to the axial extent of the holding pin that is larger than a transverse extent of the aperture of the first structure, the holding pin further including a first seating extent that is at a location axially intermediate the head portion of the holding pin and the foot portion of the holding pin and that has a transverse extent less than the transverse extent of the foot portion of the holding pin, the first seating extent extending axially from the head

portion of the holding pin to the foot portion of the holding pin in an axial extent that is at least equal to an axial thickness of the first structure as measured at the aperture of the first structure and, in the fully fitted position of the holding pin, the first seating extent is axially coincident with the first structure at the first aperture and the head portion of the holding pin and the foot portion of the holding pin are disposed on opposite axial sides of the first structure with the head portion of the holding pin and the foot portion of the holding pin each resisting a respective axial movement of the first structure therepast, wherein the holding pin limits axial movement of the second structure relative to the first structure in the fully fitted position of the holding pin.

9. (Rejected) The attachment apparatus according to claim 8, wherein the second structure is a body with a cabinet shape, the first structure is a work surface panel to be attached to the body in a defined position transversely with respect to the attachment direction, the work surface panel has a rear surround integrally formed thereon, the aperture in the first structure is an elongated hole, and the holding pin is operable to hold the rear surround at a defined height position relative to the body of the household appliance.
10. (Rejected) The attachment apparatus according to claim 8, wherein the foot portion of the holding pin includes a slot formed in the holding pin.
11. (Rejected) The attachment apparatus according to claim 10, wherein the holding pin is formed with a head-type attachment adjoining the slot.
12. (Rejected) The attachment apparatus according to claim 8, wherein the holding pin is formed with an axial bore for receiving an attachment element passing therethrough.
13. (Previously Presented) The attachment apparatus according to claim 8, wherein the foot portion of the holding pin has a constant transverse extent.

14. (Rejected) The attachment apparatus according to claim 8, wherein the holding pin is configured to be secured to the second structure by outward radial spreading of the foot portion.
15. (Rejected) The attachment apparatus according to claim 11, wherein the head-type attachment has two ear-shaped lateral projections, with an internal separation at least as large as a diameter of a part of an attachment element located therein an attachment position thereof, and the slot formed in the holding pin extends as far as the lateral projections.
16. (Rejected) An attachment apparatus for attaching a first structure of a household appliance to a second structure of the household appliance, the attachment apparatus comprising:

a holding pin, the holding pin having a head portion and a foot portion and the holding pin being disposable through an aperture in the first structure and an aperture in the second structure along an attachment axis that extends through the apertures of the first structure and the second structure such that the holding pin, in a fully fitted position thereof, extends through the aperture of the first structure with the head portion of the holding pin located on one axial side of the first structure and the foot portion extending through the aperture of the second structure, the holding pin operating to maintain the first structure at an axial spacing from the second structure in the region of the apertures of the first and second structures, a slot extending into the foot portion of the holding pin, and the holding pin includes a shoulder that is axially spaced from the head portion of the holding pin by at least an axial thickness of the first structure as measured at the aperture of the first structure, and, in the fully fitted position of the holding pin, the head portion of the holding pin and the shoulder of the holding pin are disposed on opposite axial sides of the first structure with each limiting an axial movement of the first structure therepast in a respective axial direction and the foot portion of the holding pin frictionally engaging the second structure along a portion thereof forming the aperture of the second



structure so as to resist axial movement of the second structure relative to the first structure.

17. (Rejected) The attachment apparatus according to claim 8, wherein the aperture in the first structure is an elongated hole and the first seating extent is compatibly configured with respect to the elongated hole of the aperture of the first structure such that rotation of the holding pin about its axis is resisted by resistance of the elongated hole of the aperture of the first structure to rotational movement of the first seating extent.
18. (Rejected) The attachment apparatus according to claim 17, wherein the first seating extent delimits a generally parallelepiped shape with a pair of generally flat surfaces and the generally flat surfaces of the first seating extent are in engagement with elongate surfaces of the elongated hole of the aperture of the first structure.
19. (Rejected) An arrangement for a household appliance, the arrangement comprising:
  - a first structure having an aperture in the form of an elongated hole;
  - a second structure having an aperture; and
  - an attachment apparatus for attaching the first structure to the second structure, the attachment apparatus including:
    - a holding pin, the holding pin having a head portion and a foot portion and the holding pin being disposable, during an installation operation, into a fully fitted position in which the holding pin extends through the elongated aperture in the first structure and through the aperture in the second structure along an attachment axis passing through the apertures of the first structure and the second structure, the head portion of the holding pin, in the fully fitted position of the holding pin, being located on one axial side of the first structure and the foot portion, in the fully fitted position of the holding pin, extending into the aperture of the second structure, the holding pin engaging the first structure and the second structure to maintain the first structure at an axial spacing from the second structure in the region of the apertures

of the first and second structures, the foot portion of the holding pin having a nominal transverse extent that is transverse to the axial extent of the holding pin and at least as large as the largest transverse extent of the aperture of the second structure, the foot portion of the holding pin having, in the fully fitted position of the holding pin, a smaller transverse extent than its nominal transverse extent and the foot portion of the holding pin exerting a radially outward force against the aperture of the second structure to thereby resist dislodgement of the holding pin from the aperture of the second structure in the fully fitted position of the holding pin, the head portion of the holding pin having a transverse extent transverse to the axial extent of the holding pin that is larger than a transverse extent of the aperture of the first structure, the holding pin further including a first seating extent that is at a location axially intermediate the head portion of the holding pin and the foot portion of the holding pin and that has a transverse extent less than the transverse extent of the foot portion of the holding pin, the first seating extent extending axially from the head portion of the holding pin to the foot portion of the holding pin in an axial extent that is at least equal to an axial thickness of the first structure as measured at the aperture of the first structure and, in the fully fitted position of the holding pin, the first seating extent is axially coincident with the first structure at the first aperture and the head portion of the holding pin and the foot portion of the holding pin are disposed on opposite axial sides of the first structure with the head portion of the holding pin and the foot portion of the holding pin each resisting a respective axial movement of the first structure therepast, wherein the holding pin limits axial movement of the second structure relative to the first structure in the fully fitted position of the holding pin and the first seating extent is compatibly configured with respect to the elongated hole of the aperture of the first structure such that rotation of the holding pin about its axis is resisted by resistance of the elongated hole of the aperture of the first structure to rotational movement of the first seating extent.

20. (Rejected) The attachment apparatus according to claim 19, wherein the first seating extent delimits a generally parallelepiped shape with a pair of generally flat

surfaces and the generally flat surfaces of the first seating extent are in engagement with elongate surfaces of the elongated hole of the aperture of the first structure.

21. (Rejected) The attachment apparatus according to claim 20, wherein the second structure is a body with a cabinet shape, the first structure is a work surface panel to be attached to the body in a defined position transversely with respect to the attachment direction, the work surface panel has a rear surround integrally formed thereon, and the holding pin is operable to hold the rear surround at a defined height position relative to the body of the household appliance.
22. (Rejected) The attachment apparatus according to claim 19, wherein the foot portion of the holding pin includes a slot formed in the holding pin.
23. (Rejected) The attachment apparatus according to claim 22, wherein the holding pin is formed with a head-type attachment adjoining the slot.
24. (Rejected) The attachment apparatus according to claim 19, wherein the holding pin is formed with an axial bore for receiving an attachment element passing therethrough.
25. (Rejected) The attachment apparatus according to claim 19, wherein the foot portion of the holding pin has a constant transverse extent.
26. (Rejected) The attachment apparatus according to claim 19, wherein the holding pin is configured to be secured to the second structure by outward radial spreading of the foot portion.
27. (Rejected) The attachment apparatus according to claim 23, wherein the head-type attachment has two ear-shaped lateral projections, with an internal separation at least as large as a diameter of a part of an attachment element located therein an attachment position thereof, and the slot formed in the holding pin extends as far as the lateral projections.

EVIDENCE APPENDIX

None

RELATED APPEALS APPENDIX

None